IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 19903 of 1999

Between:

S.Lakshminarayana S/o S.V.N.Bhanoji Rao,
G.V.K.Oriental High School, Veduranagaram,
Addetigala Mandal, East Godavari District

..... PETITIONER

AND

1 State of A.P. rep by its Secretary,
School Education, Secretariat, Hyderabad.
2 The Regional Joint Director of School Education, Kakinada.
3 The District Educational Officer, Kakinada.
4 G.V.K.Oriental High School, rep. by its Correspondent,
Veduranagaram, Addatigala Mandal, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Writ, or order or direction, particularly one in the nature of Writ of Mandamus as this Hon'ble Court may deem fit and proper by declaring that the petitioner's appointment is deemed to have been approved as Language Pandit Grade-I from 13-10-92 and consequently direct the respondents to pay difference of the salary from 13-10-1992 and continue the pay the same and also declaring the impugned proceedings in R.C.No.125.C.3/99, dated 28.4.201 to the extent of denying the monetary benefits from 13.10.1992 to 1.3.2001 as wholly illegal, arbitrary, unconstitutional and violative of Articles 14 and 16 of Constitution of India.

(Prayer is amended as per Court Order, dated 28.6.2005 in W.P.M.P.No.1545 of 2005 in W.P.No.19903 of 1999)

Counsel for the Petitioner: MR.PRATAP NARAYAN SANGHI

Counsel for the Respondent No.1 to 3: GP FOR EDUCATION

Counsel for the Respondent No.4: None appeared

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the petitioner's appointment as Grade-I Language Pandit (Sanskrit) as deemed to have been approved from 13.10.1992 and to pass consequential orders.

It is the case of the petitioner that he was appointed as Grade-II Language Pandit (Sanskrit) in the 4th respondent-school with effect from 1.2.1989 after subjecting to due process of selection and his appointment in the said category was approved by the competent authority with effect from 1.11.1989. However, it was found that there was some discrepancy insofar as extension of benefits under G.O.Ms.No.524 Education, dated 20.12.1988 to the East Godavari District with effect from 2.9.1989 instead of 20.12.1988. The said discrepancy was resolved in view of the fact that the petitioner filed W.P.No.7968 of 1995 which was allowed, and the District Educational Officer, in pursuance of the judgment of this Court in the said writ petition, did not approve the petitioner's services in the cadre of Grade-I Sanskrit Pandit, but the petitioner continued as such. That being so, the petitioner filed the present writ petition seeking to direct the respondents to approve his promotion to the post of Grade-I Sanskrit Pandit with effect from 13.10.1992. The sole inspiration for filing this writ petition is the judgment in the earlier W.P.No.7968 of 1995, dated 15.12.1997. It is the submission of the petitioner that in view of the judgment of this Court, he was appointed as Grade-II Sanskrit Pandi with effect from 1.2.1989 itself and the further

promotion to the post of Grade-I Sanskrit Pandit can be considered only from the category of Language Pandit Grade-II and there are two other categories i.e. Secondary Grade Teacher, Specialist Teacher and Instructors in the feeder posts. The candidates working against those categories are also entitled for promotion to the post of Language Pandit Grade-I. As per the seniority list, one D.Ashok Kumar was the most senior candidate, who was working as Grade-I Sanskrit Pandit and the petitioner was the next person in the seniority list. D.Ashok Kumar, by virtue of being selected in some other organization, resigned from the post of Language Pandit Grade-I and the same fell vacant on 13.10.1992. Consequently, vide proceedings, dated 13.10.1992, the petitioner was promoted to Grade-I Sanskrit Pandit. Now, since the petitioner is the most senior candidate in the 4th respondent-school and that he is fully qualified and eligible for being promoted, his case was considered and accordingly, he was promoted. However, even for the promotion to the Grade-I Sanskrit Pandit, the 4th respondent sought for approval though there are no rules for taking approval for promotion when promotions are being effected. The 3rd respondent, vide his proceedings dated 12.11.1992, instead of granting approval, sought for some clarification of the matter. In the meantime, the bills submitted by the 4th respondent claiming salary against the petitioner as Grade-I Sanskrit Pandit were returned on the sole ground that there is no approval from the competent authority. Hence, this writ petition has been filed.

A detailed counter affidavit has been filed on behalf of the respondents 1 to 3. It is stated that after the approval was granted on 9.3.1998 for the post of Grade-II Sanskrit Pandit as per the judgment in W.P.No.7968 of 1995, 15.12.1997, the petitioner started making representations saying that his promotion to Grade-I Sanskrit Pandit has to be approved from 13.10.1992 i.e. with retrospective effect. Without waiting for further orders, he filed the present writ petition requesting for grant of approval for promotion to Grade-I Sanskrit Pandit with effect from 13.10.1992. In fact, the petitioner made the

representations, dated 21.10.1998 and 19.1.1999 respectively, directly to the District Educational Officer. However, subsequently, the management forwarded the representations on 29.9.1999 to the District Educational Officer and in turn, the matter was referred to the Commissioner and Director of School Education on 24.2.2000 for necessary clarification with regard to the approval for promotion to Grade-I Sanskrit Pandit with retrospective effect and the orders are awaited.

This Counter was filed on 4.7.2000, but the present position is not known.

In view of the facts and circumstances of the case, without expressing any opinion on the merits, I deem it appropriate to direct the respondents to consider granting approval against the post of Grade-I Sanskrit Pandit with effect from 13.10.1992 if not already approval is granted, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

(C.V. RAMULU, J.)

5th July, 2005

bcj

To

1 The Secretary, State of A.P. School Education, Secretariat, Hyderabad.
2 The Regional Joint Director of School Education, Kakinada.
3 The District Educational Officer, Kakinada.
4 The Correspondent, G.V.K.Oriental High School, Veduranagaram, Addatigala Mandal,E.G. District.

5 Two C.Cs. to the Government Pleader for Education, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies